

PUBLIC LAW BOARD NO. 7154

BROTHERHOOD OF)	
LOCOMOTIVE ENGINEERS)	
AND TRAINMEN)	
)	CASE NO. 76
vs.)	AWARD NO. 76
)	
CANADIAN NATIONAL/ILLINOIS)	
CENTRAL RAILROAD)	

STATEMENT OF CLAIM:

Appealing the discipline of twenty (20) days suspension assessed CN/IC Engineer Steven Voss consisting of fifteen (15) days suspension to be served May 20, 2014 through June 3, 2014 and five (5) days suspension from a prior offense to be served June 4, 2014 through June 8, 2014 following a formal investigation that was held on Thursday, May 8, 2014 in connection with an incident that occurred on April 4, 2014 when he allegedly failed to stop short of a derail located on the Balloon Track in Sioux City, Iowa while working as an Engineer on assignment L57091-04.


FINDINGS:

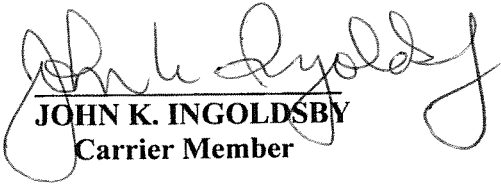
Public Law Board No. 7154, upon the whole record and all the evidence, finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended; that the Board has jurisdiction over the dispute herein; and that the parties to the dispute were given due notice of the hearing and did participate therein.

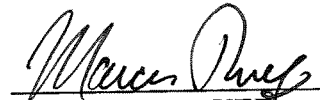
We have carefully reviewed the record in its entirety. First, we find no evidence of any procedural irregularity or unfairness in the conduct of the hearing. On the merits, the record demonstrates that the Carrier has met its burden of proving Claimant's guilt by substantial evidence. However, we find, given the nature of the offense and Claimant's personal record, the penalty assessed is arbitrary, capricious and excessive, and reduce it to a five-day actual suspension in addition to five-day suspension deferred for a previous offense. We order Claimant made whole for his losses in accordance with the usual practices in effect on this property, and that his personal record be corrected accordingly.

AWARD

Claim sustained in accordance with Findings.


KACYLN J. ZIMMERMAN
Neutral Member


JOHN K. INGOLDSBY
Carrier Member


MARCUS RUEF
Organization Member

Dated this 6th day of May, 2016.